

REMARKS

Claims 1-14 are pending in this application, with claims 1, 9, and 12 being the only independent claims. Consideration of the above-identified petition in view of the following remarks is respectfully requested.

Claim Amendments

Independent claims 1, 9, and 12 are each amended to recite that the delivery of media content from the buyer to the seller of media space occurs external to the server node in response to a signal from the server node. Claim 14 is amended to implement an editorial correction.

Petition

To present a grantable petition to make an application special under 37 C.F.R. 1.102(d), the applicant must comply with the following items:

- A. Submits a petition to make special accompanied by the fee set forth in 37 C.F.R. 1.17(h);
- B. Presents all claims directed to a single invention;
- C. Submits a statement that a pre-examination search was made;
- D. Submits a copy of each of the references deemed most closely related to the subject matter encompassed by the claims; and
- E. Submits a detailed discussion of the references.

Item A

The requirements of item A are met by the present submission and the fee submitted herewith.

Item B

The requirements for Item B are met as follows:

Presently, claims 1-8 are directed to a system for trading media space, claims 9-11 are directed to a method for trading media space, and claims 12-14 are directed to a memory comprising computer-readable instructions for trading media space. Applicants provisionally elect without traverse claims 1-8 directed to a system for trading media space. The election is to be effective only in the event that the application is determined to be directed to more than one invention. Furthermore, applicants are willing to make an alternative or additional election without traverse should any other restriction or election be required.

Item C

The requirements for Item C are met as follows:

A pre-examination search was made. The following references were noted:

1. 6,985,882 Del Sesto
2. 6,937,996 Forsythe et al.
3. 6,898,572 Ohyama
4. 6,671,676 Shacham
5. 5,592,375 Salmon et al.
6. 2005/0171897 A1 Forsythe et al.
7. 2003/0074303 A1 Gould
8. 2002/0184093 A1 Cherry et al.
9. 2002/0013757 A1 Bykowski et al.
10. 2002/0007308 A1 Anderson et al.
11. 2001/0034696 A1 McIntyre
12. Article, "Spotrunner, Easy TV ads for local businesses"

This search was conducted in Class 705, subclasses 1, 14, 26, 27 and 37 and Class 725, subclass 42 and on computer using ESPACENET (EPO), DELPHION and the PTO EAST/WEST databases.

Item D

The requirement of Item D is met by the previously submitted Information Disclosure Statement filed March 13, 2006.

Item E

Independent claims 1, 9, and 12 are drawn to a device and method for trading media space in which a server node receives requests and offers from buyers and sellers and matches the requests and offers. The independent claims 1, 9, and 12 further recite that the content is delivered between the buyer and seller of the matched request and offer pair in response to a signal from the server node that a matched pair is formed. Each of the independent claims is amended to recite that the "delivery is performed externally to said server node".

References 2, 3, 6, 7, and 8 listed above under item C disclose systems in which media providers input details about available media space to a system having a database. Advertisers then connect to the system and query the database for available media space that meets their conditions. The system provides a list of matched available media space that meets the advertisers condition and the advertiser can select one or more of the available media spaces. These references do not disclose delivery of the content from the advertiser to the provider of media space.

References 4, 5, 9, 10, and 11 disclose systems in which requests by buyers i.e., (advertiser campaign bids) and offers of media space are entered by buyers and sellers and are matched by a server or other system controller. However, these references do not disclose the delivery of content to the sellers of media space.

Reference 12 is an electronic article published at www.siliconbeat.com and printed out on January 25, 2006. This reference discloses an ad service which allows advertisers

to develop an ad. The service then buys air time and gets the thus developed ad to the sellers of media space. However, there is no disclosure of how the ad is delivered. Accordingly, reference 12 fails to disclose that the delivery is in response to a signal from the server node and that the “delivery is performed externally to said server node”.

Reference 1 (Del Sesto) discloses a method and system for selling and purchasing media advertising over a distributed communication network. According to Del Sesto, buyers of media space 103 are able to view characteristics of available media and schedule purchases through a server 101 (see col. 2, lines 35-43; col. 3, lines 53-59; and Fig. 1, of Del Sesto). Once a buyer accepts a seller’s contract, the seller may download a buyer’s content from the server 101 (col. 9, lines 39-43). Del Sesto further discloses that a server 701 may upload transmission of an accepted contract (col. 9, lines 65-67). However, Del Sesto fails to describe a connection or relationship between server 701 and server 101. Accordingly, Del Sesto fails to disclose, teach, or suggest “a delivery system connected to said server node for facilitating delivery of media content between the buyer and seller of the matched request and offer pair in response to a signal from said server node and such that said delivery is performed externally to said server node”, as now expressly recited in independent claims 1, 9, and 12.


Conclusion

In view of the above remarks, the requirements for a grantable of a petition under 37 C.F.R. 1.201(d) are deemed to be met in accordance with the procedure described in MPEP §708.02(VIII), and grant of this renewed petition is earnestly solicited.

The application is deemed to be in condition for allowance and notice to that effect is earnestly solicited.

Respectfully submitted,

COHEN, PONTANI, LIEBERMAN & PAVANE

By  _____
Alfred W. Froeblich
Reg. No. 38,887
551 Fifth Avenue, Suite 1210
New York, New York 10176
(212) 687-2770

Dated: May 31, 2006